4: Cole G-5 (1948) 1949 FF38 Katab FF38

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NIGERIA.

REPORT

ON

LAND TENURE

ZARIA PROVINCE

BY

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Kagoro

000 Political Memorandum 5, paragraphs 31(c) and 37.

14. In pre-British times the Emirate was run from its headquarters at Zaria and the surrounding area was divided up into fiefs, each fief having its specific boundaries and its particular obligations to the central authority. When the British arrived these fiefs were abolished. They were replaced by districts each with their paid District Head. As may be imagined these original fiefs paid little or no attention to the status of the indigenous inhabitants *qua* tribe. Neither, accordingly, did the original districts. In 1934, however, these districts were readjusted after detailed investigation and made to accord, as far as this was possible, with the variations in tribal structure. Where a district boundary cut across sections of various tribes the boundary was altered so that as many of one tribe would be incorporated in the same district as could conveniently be managed. Owing, however, to the many vicissitudes of these tribes in past years complete territorial adjustment was not possible. The extent to which the adjustment was accomplished is indicated in Appendix " B ". Any reference to ' tribal lands ' in this report must therefore be accepted with great caution and with the fact borne in mind that their boundaries, though established with great care and after detailed investigation, are nevertheless the direct result of administrative action affected many years after whatever ' boundaries ' may have originally existed had been completely compromised.

15. The same considerations apply to the Hausa enclaves, usually the District Headquarters, in the centres of these tribal lands. Their boundaries, as village units, were fixed, after investigation, by the administration and are a creation of that administration.

INDEPENDENT PAGAN AREAS

16. There are four Independent Districts—Moroa, Kagoro, Kwoi and Birnin Gwari. The Kagoro District was selected as a ' specimen ' district for detailed investigation. It is not to be taken for granted that what is written about Kagoro necessarily applies *in toto* to the other three districts. There would, no doubt, be discrepancies and variations. I have no reason to believe, however, that such discrepancies and variations would be anything more than points of detail. The broad pattern is similar in all four districts and the essentialities of the pattern do not change.

KAGORO DISTRICT

Population

17. The Kagoro district contains some 12,000 inhabitants of whom 2,600 are adult males. About a third of the district consists of massive rocky hills and probably less than two-thirds is actually cultivable.

162
[3]
311

[p. 3]

cultivable. The population statistics according to the latest (1947) tax count are:—

Kagoro	...	8,999
Katabawa	...	1,713
Attakar	...	689
Hausa	...	279
Ibo	...	107
Others	...	79
Total		11,866

The Katabawa come from the neighbouring Zangon Katab district of the Zaria Emirate, the Attakar from the neighbouring Moroa district, the Hausa are mainly traders and their families and the Ibos are immigrant Railway employees.

History.

18. Originally the Kagoro lived in their strongholds amongst the high and almost inaccessible hills of the district. They had small patches of farms in these hills but their main farmlands were on the fertile plains at the foot of the hills. These farms were the subject of constant raids by the Fulani and in pre-British times were no more than a precarious utilisation of the no-man's land between the unconquered hills in which the Kagoro resided and the conquered Katab lands farther north. It was only when the British came that permanent settlement of these plains became possible.

Social structure.

19. An attempt was made to correlate the social structure of the tribe with the present day territorial sub-divisions of the district. The tribe would appear to consist of two distinct clans, the Ankwei and the Kpashan. These two clans are sub-divided into various kindreds. Except for the Kukum Kpashan with whom, for some unfathomable reason, other Kphashan may marry the Kpashan clan is exogamous and may only marry members of the Ankwei clan. The Ankwei clan is not exogamous though the kindreds into which it is divided are. The district is divided into eleven territorial (village) units. There were twelve until last year when the territorial unit of Tum, whose inhabitants are Katab, was absorbed into the senior territorial unit of Fada and thus lost its separate identity. Appendix " C " shews the occurrence, within these territorial units, of each of the kindreds. But though it was admitted that certain territorial units might contain a preponderance of one or more particular kindreds it was impossible to say, owing to migration and intermingling, that any *particular kindred or kindreds* had any prescriptive rights to the land within that unit.

Appendix C.

[p. 4]

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311 20. An explanation of this state of affairs is to be found in the
241 historical background. In pre-British times when the Kagoro
612 lived in the hills and came down to farm the plains it was
423 the customary practice for a kindred or even a family group to farm lands in several widely dispersed areas and not in one compact block. The idea was that all the family eggs should not be in the same basket. If one particular area happened to be raided by the Fulani then, though the kindred or family might lose the produce of one particular farm, they would have other farms in other areas to fall back on; whereas had they been farming in only one place and in one compact block they would have lost everything they had. Consequently when the British rule brought peace and security the kindreds did not come down from the hills to settle in single compact blocks but came down to their split up and dispersed farms over the whole of the area. Whether or not the concept of a kindred holding of the land may have existed in the past it is certain that it does not exist now. It would have been undermined from the very start.

Breakdown to individual tenure.

423 311 596 888 21. The breakdown has gone much farther than the kindred. Whereas up to about twenty years ago it could truthfully have been said that it was the exception to the rule to find a man and his immediate family living and farming on his own, it is now the exception to the rule to find an extended family or family group living and farming together. In two cases that were investigated in the field it was found that the " family " lands had been divided up while the father was still alive. In the one case the father was too old to farm and in the second had suffered an injury some ten years ago which had prevented him from carrying on strenuous farming. In both cases the father was relatively hale and hearty and quite alert of mind. Nevertheless they were both prepared, since they could take no active part in the farming of the land themselves, to wash their hands of the matter and give their adult children their portion of the family lands. The only say they retained in the matter was in respect of the minor's portion and the division of the fallow lands. Fallow would not be divided up until it was actually required when as much as was required would be allotted to the son and this would then come under his control. Discussion with responsible opinion confirmed that this was a general practice and was quite common and widespread.

651 596 162 476 22. An interesting check on the above is available from the tax lists. These lists show, together with the name of each 'householder', the name of each adult tax payer living in the compound. It was confirmed by the District Head and Elders that where in the list a number of adult males were listed

together in one household then it was probable that they were farming their lands together though this was not an infallible sequitur. Where, however, a man was listed as a separate householder it could be categorically stated that in that case the family lands had been divided and the householder was living and farming on his own with no other relations than his children. The tax lists for 1947 shew that in no case were more than six adult males living and farming together. One or two cases were found of six adult males farming together; a small number of cases of four or five; but the vast majority of compounds consisted of no more than one, two or three adult males. The average number of adult males per compound is 1.6 and the average number of persons eight.

23. Unfortunately the tax lists for the pre-war years have all been destroyed and an interesting comparison has been lost. A few of the tax sheets for 1939 were found and the same average number of 1.6 males per compound was found shewing that the breakdown has existed for a number of years. It is universal throughout the district. Discussion with the Elders confirmed this situation.

24. The extent of the breakdown appears to be greater here than in the adjoining Katab district of the Emirate. The reasons for it lie in the circumstances set out in paragraph 20 above, *i.e.*, the kindred holding concept was undermined from the very start owing to the fragmentation of the kindred lands. Another contributory factor is that the advent of peace and security has removed the sanctions which formerly made group or communal living if not absolutely necessary then advisable in the extreme. With the perpetual threat of a Fulani raid it would have needed a major family convulsion to cause a man to leave the security and mutual protection afforded by communal living. Nowadays the merest family tiff will result in the individual demanding his portion of the family lands and going off to farm on his own.

25. It cannot be said, at the moment, that the breakdown has occasioned any grave *local* social problem. The lands that were so precariously available to the fathers and grandfathers of the present generation were more than ample for their greatest needs had they been allowed to farm with security. These lands have been divided and sub-divided; but there still remains to the present day users a sufficiency for their needs and something to spare. It is true that the various fields are widely scattered. But, points out the Elder, this fragmentation is something that the Kagoro has always been accustomed to and presents no novel feature

178 423 at all. Formerly the Fulani necessitated the practice—now it is their own children. The resultant situation is very much the same.

Alienation of rights in land.

425 26. Since land hunger has not, as yet, become a personal problem of the individual Kagoro there has not been, so far, any great development in individual transactions involving land. As far as could be ascertained only three transactions would be recognised by local custom—exchange, loan and a form of pledge. Sale was not acknowledged—once its implications had been understood (paragraph 6 above).

Sale.

425 427 [191] 27. In view of previous statements on this subject I give in detail my investigations. The District Head is a Kagoro educated at a Mission School. He has a fair command of Hausa in which language the interrogations were conducted. A number of the Elders present also had a knowledge of Hausa. In reply to the question—was sale (*saye da sayarwa*) of land practised and acknowledged by the Kagoro?—the answer was yes! Several of the Elders nodded confirmation. Details of such a transaction were then asked for. A man desirous of farming a particular field would approach the ' owner ' and offer him a goat. If the ' owner ' of the field accepted the goat then the man who had given him it would be permitted to go on farming that field until either the ' owner ' claimed the field back—in which case he would return the goat to its former owner—or the borrower decided to vacate—in which case he could claim his goat back. Any of the goat's offspring would belong to the lender of the farm. Never more than one goat would be given however large the field might be. No other payment either in money or kind is involved. If the goat dies another goat would be substituted—but the goat was always returnable on demand by either party to the transaction. The transaction was terminable by either party at will except that the borrower of the farm would be allowed to reap what he had sowed.

28. When it was pointed out that the ' sale ' of land involves the complete and *permanent* relinquishment by the holder of all his or any would-be inheritor's rights in the land it was strenuously and vehemently stated that no such transaction could possibly take place. The idea was absurd. Whatever an individual himself might have done with or received in exchange for his land, his son or those with the reversionary hereditary rights in the land would always and at any time be competent to take back the land on handing over to the ' outsider ' whatever had been given in exchange. It was obvious that the concept of outright ' sale ' in respect of land did not exist. All that an individual could do with his land—other than farm or build on it—was to alienate it *temporarily* in one or the other

of the forms set out below. He could do no act which would deprive his descendants of their rights to enjoy the land. 425 427

29. This transaction is described above. It would appear to give the borrower of a field a somewhat better status in a dispute than mere loan (paragraph 31 below). Loan with pledge 426

30. Exchange is a simple transaction arranged for the convenience of two parties. A will exchange a field with B in order to be nearer to his house. Exchange also takes place when A, having borrowed a farm from B, builds a house on it. In such cases B can claim from A a similar field from the latter's farm. The transaction involves no permanent change in the ownership of the rights of user, there is no payment of money or in kind and it is simply arranged as a matter of convenience. Exchange 425 437

31. In the case of a loan of a field A will give to B, the owner, a chicken or the value of a chicken in money. He is then entitled to farm that field until the owner asks for it back. Whatever the size of the field or farm never more than one chicken is handed over. No time limit is put on the loan, the arrangement being terminable by either party at any time with the following exceptions:— Loan 426

(*a*) If the borrower builds a house on the land then he cannot be turned off until he chooses to leave. If he stays on, however, he must give to the lender, should the latter demand it, a field of similar size in in exchange (paragraph 30);

(*b*) once the farming season has started then the lender must permit the borrower to continue to farm the land for that season;

(*c*) if a man has built a house on a loaned farm he is entitled to continue farming for one season after he has removed his house. This is in exchange for the manuring the land will have received.

The distinction from the form of pledge referred to above, in paragraph 30, is that the chicken is not returnable whereas the goat is.

32. The proviso (*a*) in paragraph 31 above is of some interest in that it will be seen to recur, in varying forms, in all the tribal areas discussed in this report and even in the Hausa enclaves. The building of a house on a loaned or exchanged farm creates, in favour of the borrower, a special lien in that he cannot be turned off until he chooses to go. The theory behind the practice—which is recognised in a Kagoro proverb—is that a man will not loan a farm to another unless the latter is a friend and he wants to have him on [572]

426 the land. This being so the fact that the borrower is prepared to
572 build a house on the land and be somewhat more than a bird of passage is proof positive of the extent of the friendship and therefore something to be encouraged—a relic of the days when farmlands were plentiful and abundant and every addition to the male strength of the community was much sought after and welcomed.

425 33. Apart from the three transactions described above no other transactions affecting land appear to take place and if they do take place they would not be recognised by customary law. Individual tenure may have become firmly established; but this tenure is not absolute and is subject to definite customary restrictions and limitations.

The Authority in land matters.

34. When living in their strongholds in the Kagoro hills, the
622 Kagoro had no single tribal chief. It would be extremely difficult,
621 at this stage, to establish what, if any, the highest single socially cohesive unit might have been—clan, sept, kindred or family group. As pointed out in paragraph 21 above, however, this is of academic interest. Whatever may have been the unit in the past there
648 remains no discernible trace of it now. The district boundaries have
423 been established by the British Administration and so have the village unit boundaries; a District Head and Village Unit Heads
197 have been acknowledged and appointed and the unit is run as a tribal whole. There is evidence that parallel with the breakdown to individual tenure of the land there has been a definite development, by consent, in the new Tribal Authority's powers as regards land matters—the Tribal Authority in this case being the District Head acting with the advice and consent of his Elders. Whether or not this development is from within or a mere copying of neighbouring Emirate custom is hard to say. It exists and it is of equal interest to the development reported in paragraph 49 of Mr Rowling's Plateau Province Report, *i.e.*, " the recoil on to intensified control ". The following examples are pointers.

423 35. All farmable lands in the Kagoro district are allocated,
311 *i.e.*, are claimed by some person or persons as being lands originally cultivated by their own immediate ancestors and therefore inherited by them. This applies to ' bush ' as well as fallow. In the past, however, swamps and kurumis were considered as being of no use for farming purposes however useful they were as hiding places in
[197] the event of a raid. They remained communal. The introduction of rice and sugar cane cultivation has now altered matters. Swamp land can now be used. It is held that any member of the village unit within which the swamp lies has the right, without seeking permission from anyone, to take up such portions of the swamp as are sufficient for his needs. Any person from outside the village

unit, however, who wishes to take up a portion would have to seek the permission of the District Head. 423 311

36. Again, if a stranger comes into the district and lives there for a sufficiently long while to become accepted as one of the Kagoro themselves then he can be loaned land to build a house on by anyone who cares to lend him it. It is *loaned*, not given or sold. If, however, a stranger were to come to the district for the first time and wished to do the same thing the would-be lender would first of all have to obtain the District Head's consent. 609 423 426

37. There was an old site in the Agwan village unit formerly used by Railway Construction Workings. When the Railway Construction moved on to Kafanchan the Agwan villagers returned to the site. The site, however, was very convenient as a building site and the former District Head in consultation with his Village Heads decided to allocate it as such. This decision was accepted. More recently a farmer in the neighbourhood protested against a farm of his being so allocated for further plots. The Elders who were collected and consulted upheld the decision that the District Head was entitled to decide that the land should be used for this purpose and that custom would agree (cf. the Hausa proverb—*Gari ya kore gona*). Similar circumstances arose recently in the Kpak village unit where specific lands were ' set aside ' by the District Head for Hausa and Ibo enclaves. They did not want indiscriminate settlement by outsiders and so decided to keep them fixed in a specific area. 631 622 623 423

38. It must be remembered that in no one of these circumstances could the District Head be said to have acted in accordance with his traditional powers. He is not a traditional entity. He has acted as representative of and in consultation with his Elders who are the representatives of tradition and who, by consent, have acted in novel circumstances as they would have acted traditionally. It is of great interest to note that these somewhat primitive people seem to be in the process of evolving " central powers " very similar to those accepted by customary law in the Emirates. Whether or not, as mentioned above, this is from within or a mere copying it is difficult to say. It must be remembered, however, that they are somewhat backward people. the Elders are very conservative, have a considerable say in matters and are very independent minded. It is fairly certain that the District Head could not move in such matters without their definite consent. 631 622 623 167 423 609

39. Though there appears to be a certain amount of intermingling by and absorption of non-Kagoro elements coming Immigration.

423 609 167 into the district, this intermingling is confined to members of the neighbouring Katab, Kaje and Attakar tribes whose tribal customs are somewhat similar. Other elements are restricted to their own special enclaves. This has occurred in the case of both Hausas and Ibos. A special area has been set aside for them and the latter are not loaned farms outside the area. One Yoruba has a farm in the district; but this is a very special case. He was a very great friend of long standing of a previous District Head who had loaned him one of his farms. The present District Head had opened, just prior to my arrival, a register in which all Ibos who had been given permission to build a house on land loaned to them were being required to sign their names. The first page of the book reads, in Hausa:—

167 423 609 217

[539] "In accordance with the decision of the District Head in consultation with his Elders we have seen fit to grant strangers wishing to build houses the loan of land, for the purposes of building only, at Kpak near the Railway Station and the Hausa quarter. The land is not given for farming purposes.

Since the land is loaned they have not the right to do anything on it but build. When they wish to leave they have not the right to sell the buildings that they have built to whoever they deem fit, but only with the knowledge and agreement of the Village Head.

Further the District Head can dismiss a man from the land if he does not live in harmony with the people of the district or if the land is wanted for another purpose.

Accordingly whoever has been given a place to build on must sign his name in this book."

Subsequent pages read, in Hausa:—

PROMISE

Date	*No.*	
	1	I, ... understand and agree
	2	I, ... understand and agree
	etc.	etc."

Plateau Report paragraph 138. 423 609 217 [181] 40. It may be that this is a copying of the procedure initiated at Kafanchan to which Rowling refers at paragraph 138 of his Plateau Report. The District Head assured me, however, that he did not know they were doing anything like it at Kafanchan and he had thought it out by himself to prevent future disputes. It would not be applied to the Hausa enclave as they never occasioned disputes. But the Ibos were different. One knew their habits.

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Kagoro
Jaba

41. As pointed out in the Kano and Plateau Reports it is necessary that the greatest care should be taken when such " registration " takes place in order that no doubt can be left as to precisely what the lender of the land is giving and the borrower receiving. The need for some such form of registration could not be better illustrated than by the District Head's realisation of the need and his attempt to meet that need. Plateau Report paragraph 139. Kano Report paragraph 71. 423 687 217

42. The produce of economic trees belongs to the owner of the farm on which the tree stands. It does not pass either with exchange, loan or pledge. The produce of economic trees not on farmlands, *e.g.*, the oil palms in the kurumi, is held to be public property and anyone is at liberty to take it. There appear to be no particular or special prescriptive rights to particular persons in regard to economic trees. Sylvan produce. 422

JABA KWOI DISTRICT

43. Some distance to the west of the Kagoro district and separated from it by a spur of the Zaria Emirate lies the Jaba Kwoi independent district. Until 1934 it was administered as part of the Plateau Province. In that year, however, it was detached from the Plateau Province and became an independent district of the Zaria Province within which the rest of the Jaba tribe reside under Emirate control. The Emirate boundary thus divides the Jabawa of whom there are about 24,500, 14,000 of whom live in the independent district and 10,500 in the Kachia district of the Zaria Emirate. This Emirate boundary marks the boundary between those Jabawa who accepted Fulani domination and those who continued to resist and retained their independence by hiding in the once thickly forested valleys of their district. 101 131 [161] [648]

44. The attempt to relate territorial village units of the Jaba Kwoi independent district with separate kindreds or family groups was here, as with the Kagoro, abortive. Whatever may have been the basis of land tenure in the past there can be no doubt that it is now, in the great majority of cases, individual. The family or extended family holding of land is abundantly less common than that of the individual. The reason for this state of affairs lies, as with the Kagoro, in the continual harrying and dispersal of the original inhabitants by the Fulani. Kindred lands were of necessity widely fragmented and with neither the cohesion of a settled existence or of a compact living space the kindred holding concept was undermined. Support for this theory is very evident in the fact, reverted to in paragraph 63 below, that the Jabawa who accepted Fulani domination and consequently were not widely scattered and harried still retain this concept and still have compact lands. Breakdown to individual tenure. 621 423

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423 45. It is of interest to note that with these Jabawa the father would still appear to retain the right to refuse to sub-divide the family lands until after his death—a right not so readily acknowledged either by the Kagoro or Katabawa. It also appears, however, that this is a right which would very rarely ever be exercised. Should a married son demand his portion he would be given it without demur whenever he might choose to demand it.

423 46. Responsible opinion, even amongst the "magajin
476 dodo"—the traditional priests—who are the most conservative and staunchest supporters of traditional custom, held that this was accepted custom and had been long established. Their views on the subject are of interest. It is probably true, they say, that in pre-British times individual tenure did not take place to any very great extent; but that was not because it was against the custom. The only reason that kept families and family groups living and farming together on a communal basis was the necessity of the times—the continual threat of Fulani raids and wars. Now, however, there was peace and security; there was no longer any need for them to work together and, indeed, it was much more satisfactory for them to work apart. In the olden days if
423 any member of the compound did not pull his weight he would
476 be given a good beating by the others which he would accept and
627 then get on with his work. If this did not work the threat of handing him over as a slave to the Fulani most certainly would. Nowadays if anybody started beating another he would be taken to Court and fined; and there was no longer the threat of handing him over as a slave. The lazy member of the community could not therefore be made to work and that being so it was much more satisfactory that he should go away and farm on his own rather than that he should feed on other people's labours. A man would not want to work on his own if he were willing to work with the others. If he was not willing then rather than have an unwilling worker they would prefer him to go off on his own. So runs local opinion.

Sub-division.
423 47. The breakdown to individual tenure has brought with it sub-division but no perceptible increase in fragmentation. The latter has always existed. At the present moment sub-division has arrived at a state where any further large increase will prove embarassing. Local opinion does not consider this as an evil inherent in sub-division but as an inevitable consequence of increasing population. Whether or not a family worked together as a whole or individually the amount of land available would not
[31] be altered. Spare lands in these districts are conspicuous by their
[241] absence. All the land that is farmable has been taken up and in some places is kept in continuous cultivation with the aid of manuring.

manuring. Emigration has already started to take place along the southern border of the district into the Keffi Division and along the south-eastern border into Jema'a where the emigrants are loaned land and accepted as welcome additions to the tax lists. It would not appear that any payments in cash or kind have been *so far* demanded from them. What will develop in future is anybody's guess. This question will be returned to at a later stage of the report. 423 [167]

48. The following transactions affecting land are permitted by local custom:— Alienation of lands. 425

Sale—(*saye*) in special circumstances
Loan—(*aro*)
Pledge—(*jingina*)

Gift or exchange do not appear to take place. Such transactions would be regarded locally as loans. Share cropping is unknown. So also is renting or leasing. Such transactions would not be acknowledged as being in conformance with tribal custom. Their introduction would be strongly opposed by responsible elements.

49. In pre-British times the outright sale of land was permitted, but *only in one particular circumstance*. An essential preliminary to marriage was a gift of a goat by the suitor to the girl's relatives. It was an infallible rule—no goat, no girl. Consequently if a man had no goat he was allowed, after consultation with and with the consent of his own relatives, to sell a field to get himself a goat. His own relatives would, of course, probably give him a goat if he had not one himself; but in the last resort and if he could obtain the goat by no other means, then he was allowed to sell a field to get the goat. The sale would be outright and neither he, his descendants nor his relatives nor their descendants could subsequently sustain a claim to the land. Any such sale would have to be reported to the head of the community and could not take place without his knowledge. It would have to be with the consent of his relatives and, above all, could take place in no other circumstance than that of obtaining the bride price—a goat for the prospective wife. Sale. 425 585

50. When the British came, however, (so local report has it) they prohibited the sale of farms—even in these special circumstances. Sales do not now take place. Indeed, according to the Elders, even if allowed by the British it is doubtful whether local opinion would agree to the revival of the custom. After all, in those days lands were more than ample. Nowadays it is very different. And anyway nowadays if a man was hard up and wanted money either for a wife, tax or any other reason all he had to do was to become a labourer for a while and he could get the money. There 425 177 425

425 was no need for him to deprive himself or his descendants of the land he had inherited.

51. There would seem to be some link between this detail of the Jaba custom and the " pledge " of the Kagoro referred to in paragraph 27. It may be that the former borrowed the idea, but perverted its practice. The divergence, however, seems to be beyond dispute. This custom is not acknowledged by the Kachia Jaba.

[177]

Pledge.

426 52. The normal form of pledge is practised, *i.e.*, in return for a specific sum of money A will hand over to B his farm. The transaction is terminated either by the borrower of the money returning the money and the lender giving back the farm or the lender claiming his money back and then giving up the farm. It is resorted to when the farmer is hard pressed to pay cash, *e.g.*, for tax or an expensive wife. The farm will be pledged for a sum of money so that immediate payment can be made, after which the farmer will go away to become a labourer and having accumulated sufficient money to repay the debt will then claim back his farm. This is somewhat different to the Kagoro ' pledge '. In the latter case the goat is the pledge for the farm. With the Jaba the farm is the pledge for a sum of money.

Loan.

53. This transaction is similar to that practised by the Kagoro. There is no payment either in money or kind. In this case, however, instead of the handing over of the token chicken there is an annual brewing of beer made from the crop reaped by the borrower of the farm and shared with the lender. This, however, is only expected when a good crop has been reaped. The arrangement is terminable at either party's wish. The borrower is expected to hand back the farm in as good condition as he receives it. It is a year to year transaction and a lender will not lend the same farm continuously to another for a sufficient number of years to allow his title to be compromised. The building of a house has the same implications as with the Kagoro except that on vacating the land the borrower would not be entitled to the further year's grace period.

423 426 54. It is paradoxical that so much loaning of land should take place when there is no superabundance of land. Three reasons are given for this:—

(i) if a farm were left uncultivated for about twenty-five years and some one else started to farm it the original holder and his descendants would be considered to have lost their title and could not sustain a claim. (This deviates from the Kagoro custom). If, therefore, a man had more land than he could conveniently use himself he would see to it that he had a succession of ' borrowers ' on it to keep it all under cultivation. He

would not allow land to lie fallow for ten years even— 423
for fear of claim jumping; 426

(*ii*) even if left for two seasons a farm would become so hard and sunbaked that it would need a major operation to bring it back into cultivation;

(*iii*) if a farm were left unfarmed for a few seasons bush fires would destroy the economic trees and since the existence of economic trees is *prima facie* evidence of the land having been occupied an occupier would not wish to loose this evidence.

Economic trees.

55. The four economic trees are dorowa, attile, oil palm and bambami, the latter a shrub whose bark is used as a dye. The owner of a farm is entitled to the produce of all the economic trees on it— 422 245 even after he has loaned it or pledged it to another. No prescriptive rights in any particular trees seem to be recognised nowadays though it is recorded, in a Zaria file, that two men were once victimised for not taking attile nuts to the Village Head. It was stated in the Administrative Report that this was a survival of an old custom. There was a public announcement to the effect that this payment might go on as a gift but could not be *enforced*. There is no trace of it now.

P.C.J. 2051/34, page 89.

56. It will be seen that there is surprisingly little divergence in custom or practice regarding land tenure in these two small independent districts. The pattern follows much of what has been described by Mr Rowling in his Plateau Report—apart from the complications met there caused by the tin mining industry. [184]

PAGAN AREAS UNDER EMIRATE CONTROL
KACHIA DISTRICT

District organization.

57. Before passing on to a pagan tribe wholly included in the Emirate it may be convenient to consider the remainder of the Jawaba who reside within the Emirate. They occupy the south and south-easterly portions of the Kachia district. This district consists of the Hausa enclave of Kachia, from which the district is administered, and elements of the Kaje, Kadara and Kuturmi tribes. 101 563

Details are:—

Jabawa	10,539
Kadara	7,173
Hausa	2,994
Kuturmi	2,834
Kaje	798

[161]

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[p. 16]

4: Cole G-5 (1948) 1949 FF38 Katab FF38
Jaba

101
563 58. The Kaje elements to be found in this district live near the eastern border adjoining the main body of the Kaje tribe living in the Zangon Katab district. They live partly within the Hausa enclave—the Gumel and Mazuga villages—and partly within the Jabawa tribal lands. Those in the Jabawa area live on *borrowed* lands; those in the Hausa enclave on their *own* lands through which the administrative boundary cuts. This is a point which may lead to confusion at some future date. The Kadara are similarly situated. The main body of Kadara who [61] number some 21,246 in the Province are to be found in the adjoining Kajuru district. The district boundary runs through the tribal area—probably for reasons stated in paragraph 14 above and because a purely tribal boundary for administrative purpose would be very complicated and produce little effective difference, *qua* administration. The Kuturmi are an interesting relic. They are said to have come originally from Kano City and are a branch of the Kutumbawa who reside there to this present day.

Jabawa tenure Kachia District.

59. The pattern of tenure amongst the Kachia Jaba is very similar to that obtaining with the Kwoi Jaba. There are, however, two very significant differences. We have seen (paragraph 44 above)
184 that with the Kwoi Jaba it was impossible to correlate the social
423 pattern with the land pattern. In the Kachia district the Jaba
612 almost at once stated that their five territorial village units were,
621 except for a minor amount of interchange, identical with the five kindreds of the tribe. The Wenyum kindred were to be found in Gidan Tagwai village unit, Dun in Jaban Kogo, Kudak in Kwaturu, Chorr in Kurmin Musa and Ngeh at Gidan Jibir. Members of the latter two kindreds, they stated, would be found amongst the Jaba Kwoi but none of the first three.

Breakdown to individual tenure less pronounced.

60. The second significant difference is in the extent of the breakdown to the individual basis. Whereas in Kwoi individual farming was the rule and not the exception in the Kachia district
184 farming on a family basis was the rule with the Jaba and individual
595 holdings the exception. This difference is well known to the Jaba
556 themselves who explain it thus. The Jaba Kwoi are a poverty stricken people who can only run to one wife apiece as a normal rule whereas they can run to four or five—even ten on occasions. The Jaba Kwoi youths are an irresponsible lot who go running off to the mines to make money and do not look after their lands properly; their own youths stay at home and become good farmers on the family lands. Shades of the ' resistance movement ' that lead to the ancestors of the Jaba Kwoi continuing the struggle when their weaker brethren succumbed!

61. The truth of the matter is as stated in paragraph 44 above. The Jaba who accepted the Fulani domination retained their tribal lands. They still have them. And there are acres and acres to spare. Those who resisted were squeezed into the remnants of land to the South where there was little or any to spare. Pressure of population, incipient land hunger and the spirit of independence, which must have been there, have led to the individualisation of the Jaba Kwoi and accelerated the breakdown to individual tenure. The youths would not go off to the mines if there was abundance at home on the lands available to them. Their relations across the border have had none of this to cope with. Nor did they have their social structure rudely broken up and disintegrated. 184 178

62. The fact remains, however, that within the Emirate the kindred concept remains and is still operative. 612 Kindred holding of lands still existent.

63. Amongst the Kachia Jaba the land pattern is similar to that of the Jaba Kwoi, *i.e.*, compact hamlets or villages standing in the middle of their farmlands and outside these farmlands the villages " spare " lands. The Kagoro, Kaje and Katab do not live together in villages but prefer the small scattered hamlet and isolated farms. Amongst the Kagoro all lands were " allocated "; even the spare bush. Such is not the case with the Kachia Jaba; nor would it be the case, probably, amongst the Jaba Kwoi—had they any spare lands. The spare lands form a general pool for the particular unit within which they lie, *i.e.*, for the kindred. Any member of the kindred has a right to take up sufficient of the spare lands to meet his needs; but he must first of all obtain the Village Head's consent. A Wenyum man has the right to take up the lands he needs in the Wenyum Unit and, on allocation, the lands become inheritable by his kith and kin. A man of the Dun kindred who desired to take up spare lands in the Wenyum Unit would only be loaned the lands and it would always remain a loan. It would never become land of the Dun kindred. A Wenyum man who had inherited or been allocated land in the Wenyum Unit would be entitled to loan it to someone else, either from within or outside his kindred, without asking for anyone's consent. But he could neither give it nor sell it to anyone else, *i.e.*, he could do nothing that would deprive the kindred of its ultimate rights in the land. [621] [361] 423 612

64. Though the normal procedure is for farms to remain undivided until the father's death nevertheless, if a son demanded it and was married and of sufficient standing, the father would have to give him his share of the family holding. Women have no share or rights in a farm. Both farm and fallow are divided up; but there is no question of unallocated lands being divided up. A farm once Sub-division and inheritance. 423 [428] 593

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[p. 18]

423 worked would continue to belong to the farmer and his descendants
593 no matter how long it may have remained unworked. It would not return to the ' pool ' unless all members of the family had died out.

Alienation sale.
425 65. Sale is not customary and would not be acknowledged—not even the restricted form of sale referred to in paragraph 49 above. There is no land hunger and the circumstances for sale do not exist, *i.e.*, a would-be buyer and exchange value for the land.

Loan.
426 66. The loaning of land is customary and is the same in its essential details as that described for the Kagoro with the substitution of the brewing and sharing of a pot of beer for the gift of a chicken. All lands occupied by the Kaje immigrants are loaned. The same rules regarding the building of a house apply—except that a two years' grace period is allowed here instead of the one year with the Kaje.

Pledge. 67. Pledging does not occur. Opinion would not regard it as being in accord with custom if it did.

[431]
[427] 68. Gift, leasing or renting are unknown and would not be acknowledged by custom if they occurred.

Authority in land matters.
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423 69. The normal procedure, both in the past and now, in the case of a farm dispute is for the claimant to a farm or part of a farm to hang up on a bush on the farm a bunch of " Kujemi " leaves. This ensures that the occupier will forthwith cease any work on the farm. He dare not do otherwise. The occupier would then report the matter to the kindred elders who would investigate the rival claims and give their decision. In past times this decision would be observed by both disputants, the elders if necessary giving the tribal oath or " tsafi " to the occupier of the farm. The challenger would have been obliged to accept the decision of the " tsafi " and remove the " Kujemi " leaves—providing, of course, the occupant had not been stricken dead by taking a false oath. Nowadays though most cases would still be settled by the decision of the kindred elders a disputant, if aggrieved by the decision of the elders, could refuse to have the oath given by them and have the matter settled by the Native Court instead. It is to be noted that in the past the elders of the Dun, Kudak, Chorr and Ngeh kindreds would have no say at all in the Wenyum kindred's land matters and *mutatis mutandis*. They would have the power now since representatives of each kindred sit on the Court. The extent to which each of the four kindreds would, in practice, interfere with the decision of the representatives of the fifth kindred is not known. There is, of course, nowadays,

Jaba
Hausa MS12

appeal beyond the local Native Court. This point will be dealt with at a later stage of the report. It may be said, here, that such appeals are so extremely rare as to be almost non-existent.

70. Except for the Kaje there is little if any immigration by aliens on to the Jaba lands. Immigration.

ZANGON KATAB DISTRICT

71. The Administrative Organisation of this district is identical with that described in paragraphs 14 and 57. There is a central Hausa enclave, in which the District Head has his headquarters and from which the district is administered. This is surrounded by lands of the various pagan tribes, principally the Katab, Kaje and Chawai. Population details are:—

Hausa ...	... 5,587		
Kaje ...	... 21,633	(22,446)	(the balance in Kachia District).
Katab ...	... 16,471	(19,243)	(the balance in Moroa and Kagoro).
Chawai	... 8,653	(8,653)	
Ikulu ...	... 5,533	(5,533)	
Kamantan	... 3,409	(3,409)	
Others ...	... 1,573		

The figures in brackets indicate the total number of the tribe in the Province.

72. The Hausa enclave consists of a small town surrounded by its farmlands and fallow with a few outlying hamlets—the normal Hausa pattern. It has existed for a very considerable time, well over a hundred years, its inhabitants having come in the first place as conquerors and established themselves on what were once Katab lands by right of conquest. It was the most far flung outpost of the old Kauru fief. The present boundaries of the enclave were established some thirty years ago by the British administration. They were readjusted some twelve years ago to include additional lands as the original area was found to be inadequate. Any further 'adjustment' of this nature would lead to complications as the Katab and Kaje themselves have little if any spare lands. (*See* Political Memorandum No. 8, paragraph 32, exception (*c*)). As we have seen, in paragraph 70 above, the Kaje themselves are 'borrowing' land from the Jaba area and, paragraph 19, the Katab have encroached into the Kagoro district. The dissolution of the Katab village unit of Tum and its absorption into the Kagoro unit of Fada has a significance in this connection. The Hausa enclave.

[p. 20]

73. Discussion of land tenure within this Hausa enclave is reserved for the section of the report dealing with Mohammedan Hausa tenure. We are here concerned with any deviations and divergences in this district's pagan tenure from that described in previous paragraphs.

Katab tenure breakdown to individual tenure.

74. Mr Barnicott, District Officer, reported in 1933:—

"Farming . . . . . particularly amongst the Katabawa is carried out on a semi-patriarchal basis. Nearly all the farms of each household belong to the head of the household and are handed down from generation to generation. The householder may not—and often does not—work on the farm himself but, as the owner, makes himself responsible for all the tax of the household; the junior members of the family and the women do the work and since the product of their labour is not strictly their own are not encouraged to accept responsibility for payment of tax".

[311] "The comparatively large area of seven acres is farmed by the average Katab family".

"The farm is run as a family concern and its produce cannot be apportioned . . . . . to each of the individual tax payers varying from one to as many as five or six who work on it".

75. Mr Elliott, District Officer, writes in 1943:—

"Each householder has a home farm in the immediate neighbourhood of his house. The home farm amounts to an area of about one to four acres—roughly an acre per adult male in the household. Then, anything up to four miles away in the open country round the village the householder has his main farm".

[592] "The size of the household is surprisingly small, perhaps indicating a recent tendency for families to split up and farm separately. The average household . . . . . consisted of an old man . . . . and a son who does all the farming who may perhaps be helped by a younger brother who is too young to pay tax. Out of the 142 farms surveyed the total number of the tax paying (*i.e.*, adult) farmers working them was no more than 205".

76. The following figures compiled from the 1947 tax lists (*see* paragraph 22 above) are of interest:—

Katab	(*a*) Average number of adult males per household	2.1
	(*b*) Largest number of adult males per compound	11

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[p. 21]

Kaje	(*a*) Average number of adult males per household	3.0
	(*b*) Largest number of adult males per compound	10
Chawai	(*a*) Average number of adult males per household	3.0
	(*b*) Largest number of adult males per compound	13

77. The writer's own experience of the breakdown to individual tenure is that its extent is about half way between that found with the Kagoro and that found amongst the Jaba of the Kachia district. Farms run on the family basis are to be found side by side with farms run individually. Sub-division can take place before a father's death and a married son can demand and is given his individual share as with the Kagoro and Jabawa. Sub-division.

78. Sale, pledging, leasing or renting are not known. They would not be regarded as customary if they occurred. No actual case of its happening was discovered. The complete right of user and passing on of the right of user are acknowledged; but no transaction which would deprive relatives and inheritors of this right are acknowledged. Alienation.

79. Loan is widely practised. It is to all intents and purposes the same transaction as that described for the Kagoro with the substitution of the brewing and sharing of a pot of beer (cf. Jaba) for the gift of a chicken. The same rule as to the building of a house applies. It is of note, however, that whereas in the past loans would never be for a specific duration nowadays a loan is made for a specific period either for one, two or three years after which the borrower would be offered *another* field, if this were available, but in any case would have to leave the original field he had borrowed. There is no intention that loan shall compromise the original holder's title. Loan.

80. In one actual case investigated a man was farming a field close to one of his own and adjoining his house. Both this field and the land on which the house stood were borrowed land. He had inherited them from his father who had been loaned the land thirty years ago. The field was close enough to the house to be considered part of the home farm. For this reason the descendants of the original holder could not claim back the land. This fact and the fact that the land was loaned was admitted by both parties. So was the sequitur to the facts. The descendants of the original holder of the land knew, however, that the moment

426 the present occupier vacated or moved his house they could get the land back.

Authority in land matters.

614 627 81. The Katab tribe appears to consist of three exogamous clans—Nyam, Ku and Baht. The first named is divided into four kindreds, the second is not divided and the third into three kindreds. The correlation of social units with territorial units was inconclusive. It would need more time than was available to establish the relationship—if any. It would appear, however, that at the present time neither the kindred nor clan elders claim the right to settle disputes. A farmer aggrieved by his father's division of the lands, for example, would complain to the village (kindred) elders who would try to effect or compromise. If they failed the matter would be brought up to the tribal elders who alone would be competent to insist that their decision be accepted.

82. The word insist has been deliberately used instead of enforce. The elders were at pains to point out that they would never require force to achieve their end. They would advise, then [626] coax or persuade; if that failed then social pressure would be exerted—ridicule, ostracism and, though it was not mentioned, probably a reminder of the potency of the " tsafi "—the tribal drum. At any rate in the end the disputants would accept the decision. And they had never known it to fail (cf. paragraph 69).

Unallocated lands.

423 241 83. As mentioned in paragraph 72 the Katab have little, if any, spare lands. All land in their area is claimed by some individual or family either as his or their farm or fallow—as with the Kagoro. It is not apparent that land hunger has set in—yet. Land can still be obtained freely on loan if one's own inherited lands are insufficient. Some families, reduced by death and disease, have more than they can use and are quite willing to loan it. Indeed, some of the elders complained that nowadays there were insufficient people to farm the lands properly since, if a man had four sons two would probably go off to the Mission and having gone away would no longer be interested in farming but would go off into some other non-agricultural pursuit. Whatever truth there may be in this statement the fact remains that some farmers find it impossible to follow the normal farm and fallow rotation and so adopt the "shifting compound" cultivation. The home farms are occupied with the house in the middle of them thus ensuring that their fertility is kept up by constant manuring; the " bush " farm is worked till its productivity becomes dangerously low. The whole household then moves *en bloc* to the " bush " farm which then becomes the " home " farm and is brought back into good [361] fettle by manuring. The " home " farm has in the meantime become the " bush " farm—and so the process goes on. This

probably explains why the Katab scene consists of so many isolated single compounds widely scattered throughout the country side. There are no large villages or small towns. 241 423 361

84. There are few aspects of the Kaje land tenure system which would not be familiar to either the Katab or the Kagoro. There is the same gradual breakdown to an individual basis—though perhaps not to the same extent; the same denial to the individual of any right to alienate permanently lands which he has inherited and is expected to pass on to his inheritors; the acknowledgement of a system of loaning with the token brewing of beer—a social obligation; the same attitude to the building of a house on borrowed lands and the same grace period for farming after he has removed his house. Pledge is not known. Kaje tenure. 423 178

85. The principal deviation from the Katab is in the vesting of the final authority in land matters. Here the Kaje system is almost identical with the Jaba of Kachia. The kindred as distinct from the tribal elders claim the final say. Authority in land matters. 184 423

86. Details of the kindreds and the territorial village units are:— 612 621 614

(*i*) Tsok—Fadan Kaje
Fadia
(*ii*) Dwan—Zuturu
Zonkwa
(*iii*) Turun—Firman
(*iv*) Tadon—Madakia
(*v*) Bin—Suriyan
(*vi*) Afwun—Afana
Ungwar Rimi
Marsah
Kamerun

[It is of interest to note, in parenthesis, that my anthropology may be a bit wrong. On returning from the area the following reference from an old report by Brice-Smith was discovered (1922):—

" The tribe is still in the family stage of evolution. As soon as an individual has made his position sufficiently strong by marriage he moves off and starts a hamlet by himself and no longer recognises the tribal head ".

He correlates the ' clans ' and territorial units as:—

Bainduang (leopard totem)—*Zonkwa*, *Zuturu*, Kurmin Bi. Madaichi
Baintso (crocodile totem)—*Fadan Kaje*, G. Tsofuwa, Rumfa, Kafo, Zagwon, *Fadiya*

Kaje
Hausa MS12

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612 and points out that with the " Baintso and Bainduang exogamy is
621 breaking down ". A further report in 1932 which was also
614 discovered refers, however, to five clans—Baindon, Baichok, Baibai, Baituran and Kahon. The prefix Bai is, of course, " the men of ". I have used the ancestral name. These correspond respectively with (*ii*), (*i*), (*v*), (*iii*) and (*iv*). There appears now to be a new appearance in Afwun. As, however, these reports refer to clans whereas I refer to " kindreds " there may be no discrepancy at all and the appearance of a new kindred is no more than a development on the lines of Brice-Smith's description. It is a detail which does not affect the general issue.]

K
691 87. I was informed that in the case of a land dispute arising
627 in Afana the elders of Afana would try to mediate and settle. They might even attempt to administer the oath on the " drum ". Either disputant would, however, have the right to refuse to take the oath and the matters would then go to the elders of Afwun. There would be no appeal beyond that. The elders of Afwun would administer the oath on the " drum " and the matter would be finally settled. Neither Tsok, Dwan or any other of the kindreds would be consulted. So, it was stated, would each of the six kindreds act. Such matters would not come before the Native Court unless there was an actual ' breach of the peace ', *i.e.*, a fight. In this case the ' breach of the peace ' would be dealt with by the Court. But the cause of the breach—the farm dispute—would still be settled in the customary manner by the tribal elders.

Other tribes.
000 88. In view of the great number of tribes present in the Province it would be impossible to give in detail, without many months of investigation, the precise land tenure system of each tribe. Sufficient has been written to give a general idea of the situation, however, and I have no reason to believe that examination of other areas will reveal any fundamental divergences. The broad pattern is plain. I have made cursory enquiries of members of all indigenous tribes that I have come across and these enquiries confirm the above. Cursory enquiries, however, are apt to be cursory. Confirmation—or refutation—will have to come from Administrative Officers on tour when visiting the various areas, after they have examined the local custom carefully.

HAUSA AREAS

(i) The Hausa Enclaves

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621 89. The Hausa enclaves at Zangon Katab and Kachia may be taken as typical examples of Hausa settlements in pagan areas. The Zangon Katab enclave is described in paragraph 72, that of Kachia is briefly referred to in paragraph 51.

90. The Kachia enclave consists of three village units Kachia, Dogwarga and Sabon Kaura. At the eastern extremity of Kachia there are the two Kaje hamlets of Gumel and Mazuga and within the Dogwarga unit the two Kaje hamlets of Dogwarga Arna and Sokainu Arna. As stated above these four hamlets are on Kaje lands and the Hausa population makes no claim to these lands. These Kaje are separated, administratively, from their Kaje neighbours in the Zangon Katab district for no other reason, probably, than that Zangon Katab was in the Kauru fief and Kachia was in the fief of the Ma'ajin Zaria.

91. These four hamlets apart, the rest of the Kachia, Dogwarga and Sabon Kaura village units are entirely Hausa and the rights in the land belong to the Hausa inhabitants who are, for the main part, descendants of the former *mayaka* (warriors) who held the neighbouring tribes in submission.

92. The lands at present incorporated in the village units are extensive and more than ample for the needs of the present population—as are the Jaba lands to the south and the Kadara lands to the north-west. In this respect the situation is somewhat different to that of Zangon Katab where lands are becoming limited owing to increased population. As is to be expected in such circumstances no immediate problems arise from the tenurial system and transactions in land are few and far betweeen giving rise to none of the complications found where land has acquired an exchange value.

93. The writer was informed, on arrival, that the whole of the village lands were divided up and belonged to one or the other of the original conquering families. There were no spare lands available for the Village Head to allocate. Any new-comer who wished to settle in the enclave would have to approach some individual, not the Village Head, and obtain a place to live and farm from him. This was somewhat surprising in view of the very large tracts of uncultivated land in the enclave and the point was pursued in some detail. Family claims and histories were investigated after which it become apparent that what were referred to as village lands were those immediately round the village and not the administrative village unit. When this distinction was established it was readily admitted that there were many square miles of bush within the administrative *village unit* which were not claimed and which the Village Head could allocate. In view of the situation described in later paragraphs about lands round Zaria City this is a point that requires careful watching. It will be readily admitted now—when lands are plentiful and abundant—that the lands originally divided up between the original *mayaka*

Allocation of lands.

4: Cole G-5 (1948) 1949 FF38 Katab .
Hausa MS12

423 and which pass on by inheritance are *not* the same as those incorporated in the administrative village unit. But let land utilisation increase rapidly and then these specious claims to inheritance *qua* conquest will very rapidly multiply— and on the most flimsy and specious evidence—so that situations comparable to those round Zaria and Makarfi will rapidly develop.

Family holdings.

94. Farms still appear to be held on a family—or extended family—basis though communal farming with communal sharing of the produce would appear to be the exception to the rule. A son, on becoming married or being capable of carrying on on his own, could demand and would be given sufficient of the family lands to meet his needs. Once these lands had been allocated to him he would have the exclusive right of user against anyone else. If he wished he could loan them to someone else; he would first, however, have to consult his relatives and if one of them was in need of a farm that relative would have the prior right to take the farm on loan as against any outsider. The same applies to gift. The senior relative would have to be informed and any relative would have a prior claim as against the outsider. When the head of the family dies the next senior relative will step into his shoes. The entirety of the family lands would not be split up amongst the " inheritors ". One head of an extended family had the ultimate control over lands in which thirty adult males of that family had an interest. Though each descendant can claim, as of right, sufficient land from the family " pool " to meet his needs he cannot claim that fallow and "spare " land should be split up and given him.

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Alienation sale.

95. Discussion on the subject of sale was somewhat academic. The sale of farms or houses did not take place. Nobody would want to buy land to farm when all they needed to do was to ask the Village Head for a farm and be given it. Neither would they buy a house. They woud ask for land and build one themselves. The circumstances for sale do not exist and it does not take place. To that extent it is not customary. As to what would happen in the hypothetical case of a farmer finding a purchaser the concensus of opinion was that it would not be acceptable as custom. One elderly man who suggested that ' sale ' would be recognised was objected to by the rest. He was a " mallam ", they said, and was only talking about what he had read in books and heard of elsewhere; he was not talking about local custom.

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96. The Alkalin Kachia, who had been listening to these discussions, gave his opinion that in accordance with the Moslem Law the sale would be valid. But, in giving judgement should the case come to him, he would have to decide the sale was not valid since the Moslem Law also provided that he should give heed

[p.27]

to local custom in the matter. No such case had ever come before him, however, and cases involving houses and farms were non-existent. 425

97. There is very little difference between this transaction as practised by the Hausa and that described in previous paragraphs. It occurs quite frequently at Zangon Katab, but is seldom met with at Kachia. At Zangon Katab the loan is almost invariably accompanied by the payment of " galla " which takes the place of the chicken with the Kagoro and the brewing of beer with the Kaje, Jabawa and Katabawa. Loan. 426

98. The payment of " galla " is universal in varying forms throughout the Hausa areas of the Emirate. At Zangon Katab it is purely a token payment. The borrower of a field will hand over, when he has reaped his harvest, a bundle of corn, a basketful of cassava or a measure of whatever crop he has grown to the lender of the field. There is no question of its being a fixed proportion of the crop. However big or small the field and whatever the crop taken off it—be it ten, fifty or a hundred bundles—there will only be handed over one bundle of the produce. At Soba we find that it is a bundle of millet *and* a bundle of guinea corn; but still it is a token payment rather than a share of the crop. In other areas and the nearer one gets to Zaria City the more fluid becomes the amount until finally in the more northerly districts ' galla ' ceases and there is a payment in cash. The ' loan ' has gradually evolved itself into the definite ' renting ' of the land. 426 437 [427]

99. Loans normally last for one to three years after which, if the borrower still wishes to borrow, he is offered another field. The implications of ' house building ' on a farm under loan would not seem to be admitted by the Hausa who, in any case, would not build a house on a farm but resides for the main part in the village or town. 426 [361]

100. Pledging has not occurred so far in either Kachia or Zangon Katab. The situation is the same as with sale. Pledge.

101. Gift is acknowledged as being customary and sometimes takes place. It entails the complete severance of the family's interest in the land and consequently, as stated in paragraph 94 above, does not take place without consultation with and with the consent of the relatives. A stranger coming into the village and wanting to reside and farm there would in the first place approach one of the family heads. If he was found agreeable and acceptable he would be *given* a place in the village to build a house but *loaned* a farm. The Village Head would be informed—but his consent would not be sought or required. If after three or four years he Gift. 431 425 609

4: Cole G-5 (1948) 1949 FF38 Katab .
Hausa MS12

431 was found to be still as agreeable and acceptable he would be *given*
425 the farms and they would then pass completely out of the original
609 holder's hands.

102. Apart from the above transactions no other transactions take place with either house property or farms. Share cropping, leasing, renting or hiring are not known. All in all there is nothing in the system of land tenure for these enclaves that would not be agreed with and recognised by the inhabitants of the outer districts of the Kano Emirate.

(ii) The Hausa Districts

000 103. The real problems of land tenure arise in the area within a ten miles radius of Zaria City and the districts adjoining the Kano and Katsina borders. The problems are real and need immediate attention. Though they have not, so far, insinuated themselves to any formidable extent into the remaining Hausa districts of the Emirate nevertheless their influence is perceptible there and the moment ' spare ' lands become fewer and more difficult to come by the problems, unless dealt with immediately, will produce a similar state of confusion here.

The problem.

104. The problem, in its ultimate resolution, is no more than the conflict between the Moslem Sharia—with its conception of absolute ownership in land—and the customary law which, while confirming in the occupier a right of user, nevertheless jealously guards the community's rights and interest in the land. The argument put forward by those supporting the ' Sharia ' concept is that the Moslem ' Sharia ' *is* the customary law. This argument needs close and careful attention. It is not a new one and has received careful consideration in the past. It needs even more careful consideration now and for this reason I propose to deal with it at some length.

Appendix E.

105. The average farmer living near the Kano Provincial border, on being asked what differences he is aware of between land tenure custom and practice in the Zaria Province and that prevailing in the Kano Province barely a quarter of a mile away, will be almost certain to reply that the only difference he is aware of is that across the boundary in Kano they are allowed to buy and sell farms whereas in the Zaria Province they are not. He will then, if questioned, go on to say that custom does not or does permit sale according to whether he is the lucky descendant of some former ancestor who laid claim to considerable tracts of the neighbourhood or an unlucky person who is paying to one of the lucky group an annual rent for the farm he cultivates. The question of custom is,

APPENDIX A

POPULATION STATISTICS 1947-48, ZARIA PROVINCE

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No.	District	Adult Male	Adult Female	Male Children	Female Children	Total
1.	Cikum	4,629	4,744	2,913	2,725	15,011
2.	Giwa	8,047	10,444	5,626	4,379	28,496
3.	Igabi	6,773	8,719	5,151	4,596	25,239
4.	Ikara	10,538	14,620	7,350	6,330	38,828
5.	Kachia	6,353	7,435	5,526	5,408	24,722
6.	Kagarko	7,423	7,567	5,148	4,521	24,659
7.	Kajuru	4,341	4,351	3,397	3,613	15,702
8.	Katab	17,479	19,087	13,245	13,048	62,859
9.	Kauru	5,471	6,307	2,599	2,326	16,703
10.	Kubau	9,270	13,161	7,132	6,210	35,773
11.	Lere	13,372	15,321	8,320	7,787	44,800
12.	Makarfi	13,009	17,129	8,868	6,638	45,644
13.	Soba	7,682	10,690	6,138	5,113	29,623
14.	Zaria and Kewaye ...	10,328	13,145	5,813	4,466	33,752
15.	Sabon Garin Zaria ...	7,804	7,854	3,756	3,206	22,620
16.	Kaduna and Kewaye	6,812	7,943	3,794	2,325	20,874
17.	Zangon Aya ...	3,443	4,894	2,745	2,354	13,436
		142,774	173,411	97,521	85,035	498,741
18.	Jaba	3,878	5,117	3,551	3,623	16,169
19.	Kagoro	2,739	3,442	2,804	2,881	11,866
20.	Morus	2,647	2,943	2,239	2,503	10,332
		9,264	11,502	8,594	9,007	38,367
21.	Birnin Gwari ...	4,763	5,753	3,648	3,023	17,187
		156,801	190,666	109,763	97,065	554,295

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4: Cole G-5 (1948) 1949 FF38 Katab FF38

Twi FE12
Tiv FF59
Hausa MS12

TRIBAL STATISTICS

Hausawa	252,962	Kiballo	343	Tiv	
Filani	53,431	Benin City	379	Twi	
Gwari	24,613	Asaba	935	H	
Jaba	24,498	Dungi	370	K	
Kaje	22,446	Janji	384	161	
Kadara	21,246	Binawa	214		
Katab	19,243	Kinuku	211		
Kwaro	11,743	Werri	450		
Maguzawa	16,576	Kagara	451		
Kurama	10,977	Gold Coast	447		
Cawai	8,653	Busaye	204		
Kagoro	9,006	Calabar	180		
Barebari	7,960	Jerawa	150		
Kamuku	6,211	Rukuba	166		
Ikulu	5,533	Gobirawa	131		
Moroa	5,678	Cakiri	130		
Yarubawa	4,697	Gara	135		
Kamantan	3,409	Fanti	117		
Atakar	3,959	Accra	127		
Nufawa	2,785	Kukuruku	195		
Amawa	3,592	Sereleone	98		
Ibo	6,484	Dakarkari	83		
Ruruma	2,080	Porlomi	74		
Surubu	1,813	Labar	44		
Keno	1,630	Soba	112		
Gure	3,493	Shauahau	43		
Piti	1,565	Bagarmi	21		
Lungu	1,479	Togo Land	14		
Rumayya	1,590	Igo	18		
Kahugu	1,449	Popo	23		
Shani	1,049	Tiv	7		
Kuturmi	2,834	Ganawuri	7		
Riban	745	Munci	6		
Eacaccare	662	Akoto	5		
Rishiwa	729	Zanfarawa	3		
Kaibi	585	Kabane	1		
Kitimi	617	Biyu	75		

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4: Cole G-5 (1948) 1949 FF38 Katab FF38
Hausa MSS

APPENDIX B

TRIBAL STATISTICS (by Districts)

HK 162

CIKUM.

Hausawa	2,644
Gwari	11,734
Kamuku	433
Kadara	70
Nufawa	5
Yarubawa	99
Ibo	23
Igo	3
TOTAL	15,011

GIWA.

Filani	5,863
Hausawa	19,033
Barebari	1,208
Nufawa	44
Gobirawa	131
Maguzawa	1,193
Gwari	640
Yarubawa	52
Dakarkari	16
Ibo	113
Busaye	194
Jaba	9
TOTAL	28,496

IGABI.

Hausawa	18,503
Filani	3,773
Barebari	2,019
Gwari	842
Zanfarawa	3
Ibo	88
Kadara	11
TOTAL	25,239

IKARA.

Hausawa	22,733
Filani	5,175
Barebari	997
Busaye	10
Maguzawa	9,868
Yarubawa	23
Ibo	22
TOTAL	38,828

KAJURU.

Hausawa	1,429
Gwari	230
Kadara	13,877
Ibo	62
Poriomi	33
Yarubawa	41
Nufawa	30
TOTAL	15,702

KATAB.

Katab	16,471
Kaje	21,633
Ikulu	5,533
Cawai	8,653
Kamantan	3,409
Kacaccare	662
Rukuba	166
Ribam	745
Hausawa	5,587
TOTAL	62,859

KAURU.

Hausawa	6,572
Kaibi	585
Kono	1,630
Kitimi	617
Kiballo	343
Kinuku	211
Kurama	302
Surubu	1,653
Binawa	214
Rishiwa	729
Ruruma	2,080
Dungi	370
Rumayya	1,282
Kadara	115
TOTAL	16,703

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4: Cole G-5 (1948) 1949 FF38 Katab FF38
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Kachya.

Kadara	7,173
Kuturmi	2,834
Hausawa	2,994
Filani	132
Jaba	10,539
Kaje	798
Gwari	136
Ibo	65
Porlomi	21
Munci	6
Yarubawa	10
Katab	4
Kwaro	3
Kagoro	7
Total	24,722

Kagarko.

Filani	2,587
Hausawa	2,097
Barebari	55
Kwaro	11,740
Gwari	8,180
Total	24,659

Sora.

Hausawa	24,266
Filani	5,179
Barebari	132
Nufawa	1
Maguzawa	20
Igo	15
Yarubawa	10
Total	29,623

Zaria and Kewaye.

Hausawa	22,309
Filani	9,150
Nufawa	1,200
Yarubawa	551
Ibo	542
Total	33,752

Kubau.

Hausawa	32,909
Filani	1,166
Maguzawa	1,261
Barebari	40
Yarubawa	139
Nufawa	85
Kurama	173
Total	35,773

Lere.

Hausawa	16,680
Filani	4,761
Kurama	10,502
Gure	3,493
Kahugu	1,449
Amawa	3,592
Piti	1,565
Shani	1,049
Rumayya	308
Janji	384
Jerawa	150
Surubu	160
Yarubawa	188
Ibo	245
Barebari	374
Total	44,800

Makarfi.

Hausawa	29,132
Filani	9,767
Barebari	2,602
Nufawa	586
Maguzawa	3,464
Yarubawa	37
Ibo	56
Total	45,644

Moroa.

Moroa	5,678
Atakar	3,270
Katab	1,055
Hausawa	279
Ibo	26
Yarubawa	5
Porlomi	19
Total	10,332

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4: Cole G-5 (1948) 1949 FF38 Katab FF38
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HK 162

Sabon Gari, Zaria.

Hausawa	14,003
Filani	1,011
Nufawa	529
Yarubawa	2,056
Ibo	2,441
Popo	23
Sierra Leone	46
Accra	127
Benin City	160
Asaba	935
Barebari	375
Werri	450
Kukuruku	195
Biyu	75
Calabar	180
Togo Land	14
Total	22,620

Kaduna and Kewaye.

Hausawa	14,531
Filani	431
Barebari	172
Gold Coast	447
Cakiri	130
Ibo	2,666
Benin City	219
Fanti	117
Yarubawa	1,315
Nufawa	305
Gara	135
Sierra Leone	52
Dakarkari	67
Shaushau	45
Soba	112
Gwari	132
Total	20,874

Kagoro.

Kagoro	8,999
Katab	1,713
Atakar	689
Kaje	15
Hausawa	279
Jaba	8
Yarubawa	21
Ibo	107
Barebari	6
Tiv	7
Porlomi	1
Filani	8
Kabane	1
Ganawuri	7
Akoto	5
Total	11,866

Birnin Gwari.

Hausawa	7,920
Kamuku	5,778
Gwari	2,719
Magusawa	770
Total	17,187

Zangon Aya.

Hausawa	8,980
Filani	4,428
Ibo	28
Total	13,436

Jaba.

Jaba	13,942
Lungu	1,479
Kagoro	451
Hausawa	82
Labar	44
Yarubawa	150
Bagarmi	21
Total	16,169

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APPENDIX C

KAGORO SOCIAL STRUCTURE

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612
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Village Unit	*Distribution of Kindreds*								
FADAN KAGORO	Ankwei				Kpashan				
	(1) Mingio	(2) Mogwap	(3) Kpaguwak		Kalabu	Lawal	Kadan		
KUKUM ...	Ankwei				*Kpashan				
	(3) Kpaguwak		(4) Sukarai		Katuk	Kunduwak	Kaugai		
AGBAM	Ankwei				Kpashan				
	(1) Mingio		(2) Mogwap		Kutang	Lawal	Kamuwan		
KPAK	Ankwei				Kpashan				
	(1) Mingio		(5) Atsuwan		Nentsuwal	Kutsok	Kawom		
MALAGUN ...	Ankwei				Kpashan				
	(1) Mingio		(2) Mogwap		Kutsok		Kawom		
SAFIO	Ankwei				Kpashan				
	(2) Mogwap	(6) Kabiokut	(5) Atsuwan		Kulok	Kakyit	Zafan	Kawom	
KADARKO ...	Ankwei								
	Kanyio	(10) Kagurum	(11) Zafan	Kabun	Kikwat	Sibio	Ti		
MAPOK	Ankwei				—				
	(7) Ankut	(8) Kagwon	(9) Anpi						
MAKABOS ...	Ankwei				—				
	(10) Kagurum		(11) Zafan						
DUMAI	Ankwei				—				
	(7) Ankut	(9) Anpi	(8) Kagwon						
BANJE	Ankwei				Kpashan				
	(1) Mingio		(2) Mogwap		Kutsok		Lawal		

*An exception to the clan's exogamous rule.

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